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DATE: April 1, 2005

PTO IDENTIFIER: Application Number 08/972,301-Conf. #5422
Patent Number 6,864,226

Inventor: Coleman et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 872-9306

FROM: HUMAN GENOME SCIENCES, INC.

Mark J. Hyman, Reg. No. 46,789

PHONE: (240) 314-1224

Attorney Dkt. #: PF206D1

PAGES (Including Cover Sheet): 4

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Letter Regarding Patent Term Extension Calculation (2 pages)
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HUMAN GENOME SCIENCES, INC.
Intellectual Property Dept., 14200 Shady Grove Road, Rockville, Maryland 20850
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Coleman et al.

Docket No.: PF206D1

RECEIVED
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Patent No.: 6,864,226

APR 01 2005

Issued: March 8, 2005

For: Endothelial-Monocyte Activating Polypeptide III**LETTER REGARDING PATENT TERM EXTENSION CALCULATION**

MAIL STOP Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Upon reviewing the above-identified patent, the undersigned attorney for Assignee noted that there may be an error in calculation of the Patent Term Extension. The title page of the patent indicates "the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 407 days." The undersigned believes the term extension may be inappropriate.

In particular, the Patent Term Extension History in the PAIR database indicates that this extension is from 7/2/2001 until 8/12/2002 due to an interference in another case. Although Patentees requested the declaration of an interference between the instant case and U.S. Patent No. 6,090,377 during prosecution, the undersigned is not aware of an interference proceeding being declared as requested or otherwise, and thus the term extension may be inappropriate.

However, if this suspension did result from an interference proceeding that took place in another case, Patentees respectfully request that this letter be treated as a petition under 37 C.F.R. § 1.181 for a correction of the patent term extension. Because the suspension in this case did not terminate until 4/9/2003, pursuant to 37 C.F.R. § 1.701(c)(1)(ii), the term extension should be 647 days (from 7/2/2001 until 4/9/2003), not 407 days. Even though a new Letter of Suspension was mailed on August 12, 2002, this merely reiterated the suspension rather than terminating it. Thus, the proper termination date under § 1.701(c)(1)(ii) should be 4/9/2003.

The undersigned believes that any duty to disclose the error in calculation to the Patent and Trademark Office has been satisfied by the above. If this letter is treated as a petition under

37 C.F.R. § 1.181 as noted above, please charge any required fee or credit any overpayment to our Deposit Account No. 08-3425.

Dated: April 1, 2005

Respectfully submitted,

By 

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PTO/SB/97 (05-04)

Approved for use through 07/31/2006. OMB 0651-0031
U S Patent and Trademark Office, U S DEPARTMENT OF COMMERCE

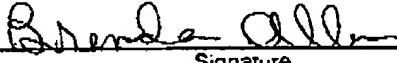
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Patent No. 6,864,226
Application No. (if known): 08/972,301

Attorney Docket No.: PF206D1

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on April 1, 2005 .
Date
SignatureBrenda Allen

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